

Anthony J. Laura (AL 3091)
PATTON BOGGS LLP
1675 Broadway, 31st Floor
New York, New York 10019
Telephone: (646) 557-5100
Facsimile: (646) 557-5101

Deborah M. Lodge (DL 8774)
PATTON BOGGS LLP
2550 M Street, N.W.
Washington, D.C. 20037
Telephone: (202) 457-6000
Facsimile: (202) 457-6315
Attorneys for Plaintiff
Carlos Ray Norris a/k/a Chuck Norris

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS RAY NORRIS,
a/k/a CHUCK NORRIS, an individual,

Plaintiff,

v.

PENGUIN GROUP (USA), INC., a Delaware
corporation, IAN SPECTOR, an individual
and QUBEFACTOR, INC., a New York
corporation, d/b/a QUBEFACTOR
TECHNOLOGIES,

Defendants.

Case No. 07 cv 11480 (RSW)

CIVIL ACTION

**NOTICE OF MOTION
FOR PRELIMINARY INJUNCTION**

TO: Dean Ringel, Esq.
Cahill Gordon & Reindel LLP
80 Pine Street
New York, NY 10005
Attorneys for Defendants

COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Carlos Ray Norris,
a/k/a Chuck Norris ("Plaintiff") will move before the Honorable Robert W. Sweet, U.S.D.J.,
United States District Court for the Southern District of New York, Daniel Patrick Moynihan

United States Courthouse, 500 Pearl Street, Courtroom 18C, New York, NY 10007, at noon on the 6th day of February, 2008 or such other date and time as may be set by the Court, for entry of an Order of Preliminary Injunction against the Defendants as follows:

I. Enjoining each defendant and all those acting in concert with them who receive actual notice of the order by personal service or otherwise, from the following during the pendency of this action:

(a) further publication, advertising, promotion, sale or distribution of “The Truth About Chuck Norris” (the “Book”);

(b) making any unauthorized use of the plaintiff’s registered and common law trademarks (the “Norris Marks”) including, but not limited to, “Chuck Norris” (U.S. Reg. Nos. 2864474 and 2124757), “Chuck Norris Facts” (U.S. Reg. Nos. 3220186 and 3213519), or any other confusingly similar mark;

(c) using Plaintiff’s name, likeness, or persona, or any confusingly similar name, likeness or image, in any advertisement or for any other trade or commercial purpose without Plaintiff’s advance written consent;

(d) making any further use of “truthaboutchucknorris.com” or “truthaboutchuck.com” (the “Domain Names”) or any other Internet domain names incorporating, using or referring to the Norris Marks;

(e) making any false or misleading representations concerning Plaintiff or his endorsement of, approval of, or participation in the Book or any Defendant’s actions;

(f) engaging in any activity infringing any of the Norris Marks;

(g) assisting, aiding or abetting any other person or entity from engaging in or performing any of the activities referred to herein;

II. Requiring Defendant Penguin a) to immediately recall, repurchase, or otherwise obtain all unsold copies of the Book that have been distributed, delivered, sold or otherwise provided to retailers or wholesale distributors; b to tender to the Court or otherwise securely impound and account for all copies of the Book so recovered and/or currently in the possession of Defendant Penguin, pending trial on the merits; and c) to notify all retailers and wholesale distributors which received copies of the Book for sale to consumers that they should immediately discontinue all advertising and promotions for the Book and should notify the key Internet search engines (such as Google, Yahoo, and MSN) that all references to the Book should promptly be deleted from their archives and search engines.

PLEASE TAKE FURTHER NOTICE that in support of his Motion, Plaintiff shall rely upon the accompanying Declarations of Carlos Ray Norris, Deborah M. Lodge and Michael G. Kessler, and exhibits thereto, and his supporting Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that Plaintiff requests oral argument.

Dated: January 11, 2008

PATTON BOGGS LLP

By: 

Anthony J. Laura (AL/3091)
1675 Broadway, 31st Floor
New York, New York 10019
Telephone: (646) 557-5100
Facsimile: (646) 557-5101

Deborah M. Lodge (DL 8774)
PATTON BOGGS LLP
2550 M Street, N.W.
Washington, D.C. 20037
Telephone: (202) 457-6000
Facsimile: (202) 457-6315

Attorneys for Plaintiff
Carlos Ray Norris a/k/a Chuck Norris

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARLOS RAY NORRIS,
a/k/a CHUCK NORRIS, an individual,

Plaintiff,

v.

PENGUIN GROUP (USA), INC.,
a Delaware corporation,
IAN SPECTOR, an individual and
QUBEFACTOR, INC., a New York
Corporation, d/b/a QUBEFACTOR
TECHNOLOGIES,

Defendants.

Civil Action No. 07-cv-11480

CERTIFICATE OF SERVICE

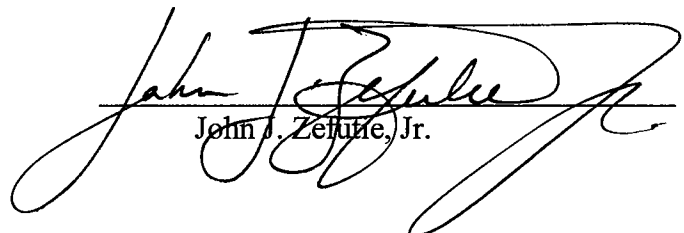
JOHN J. ZEFUTIE, JR. certifies as follows:

1. I am not a party to this action, I am over eighteen years of age, and I am employed by Patton Boggs LLP, The Legal Center, One Riverfront Plaza, Newark, New Jersey 07102. Patton Boggs is counsel for Plaintiff Carlos Ray Norris ("Plaintiff") in the above-captioned action.

2. On January 11, 2008, I served Plaintiff's Notice of Motion, Brief in Support of Preliminary Injunction, Declaration of Carlos Ray Norris (with Exhibits), Declaration of Deborah M. Lodge (with Exhibits), and Declaration of Michael G. Kessler (with Exhibits), by causing a true and correct copy of each of the aforementioned documents to be hand delivered to the following counsel for defendants at the last known address set forth below:

Dean Ringel, Esq.
Cahill Gordon & Reindel LLP
80 Pine Street
New York, NY 10005

I certify under penalty of perjury that the foregoing is true and correct. Executed on January 11, 2008.


John J. Zefutie, Jr.